

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88
ECF Case

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This document relates to the following case:

City of New York, et al. v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417

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DECLARATION OF NICHOLAS G. CAMPINS

Nicholas G. Campins hereby declares:

1. I am one of the attorneys representing Plaintiffs in this matter and I have been admitted *pro hac vice* by this Court. I am an attorney at Sher Leff LLP in San Francisco, California. I have personal knowledge of the matters set forth herein and if called as a witness I could and would competently testify thereto under oath.

2. On Thursday, August 13, I spoke on the telephone with Brian McGill and Stephen Riccardulli, counsel for ExxonMobil, and requested that ExxonMobil consent to the Plaintiffs' request to substitute Dr. Kenneth M. Rudo for Dr. Kathleen Burns as Plaintiffs' testifying expert on toxicological issues.

3. Attached to this Declaration as Exhibit A is a true and correct copy of the email I received from Brian McGill stating that ExxonMobil will not consent to the substitution request.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Executed: this the 13th day of August, 2009
New York, New York



NICHOLAS G. CAMPINS (*pro hac vice*)
SHER LEFF LLP
450 Mission Street, Suite 400
San Francisco, CA 94105
(415) 348-8300

Attorney for Plaintiffs

EXHIBIT A

 You replied on 8/13/2009 5:21 PM.

Nick Campins

From: McGill, Brian [bmcgill@mwe.com] **Sent:** Thu 8/13/2009 5:07 PM
To: Nick Campins
Cc: Pardo, James; Sacripanti, Peter; Riccardulli, Stephen
Subject: Kathleen Burns
Attachments:

Mr. Campins,

We have discussed your request to substitute Mr. Rudo for Ms. Burns and cannot consent to it in light of the significant time, effort, and expense that we have already committed to rebut Ms. Burns' opinions and anticipated testimony in this case.

Brian A. McGill
McDermott Will & Emery LLP
600 Thirteenth Street, Northwest
Washington, DC 20005-3096
Phone: 202.756.8109
Mobile: 202.294.4475
Fax: 202.756.8087

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